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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,412	03/15/2000	Steve Sheppard	6019.3027	1259

26853 7590 01/31/2003

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,412

Applicant(s)

SHEPPARD ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-53 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 54 and 58 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 September 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

1. This application repeats a substantial portion of prior Application No. 09/526,100, filed 15 March 2000, and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Information Disclosure Statement

2. The information disclosure statement filed 14 April 2000 fails to comply with 37 CFR 1.98(a)(2)(iii), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered unless otherwise indicated. Cited co-pending U.S. Application 09/026,038 (CG) is now US Pat No. 6,493,875 and has been accordingly considered by the examiner as noted in the attached PTO-1449. Cited co-pending U.S. Application 09/525,488 (CE) is not currently available and will be considered at such time as it becomes available.

Drawings

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3. The corrected or substitute drawings for Figures 2 and 3 were received on 18 September 2001. These drawings are approved.

Specification

4. The abstract of the disclosure is objected to because it should be limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. . Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the phrase “as illustrated in Fig. 6” should reference “Fig. 5” (Page 18, Line 29). Appropriate correction is required.

Claim Objections

6. Claims 21 and 47 are objected to because the language of the claim suggests that the “residential gateway” further comprises a “remote antennae packages” [910]. As illustrated in Figure 8, the “residential gateway” does not comprise “remote antennae packages” rather the claim is actually directed towards the system comprising the “residential gateway” wherein the system includes “remote antennae packages” [910]. Appropriate correction is required.

Double Patenting

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7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1, 20, and 45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 9, and 30 of co-pending Application No. 09/526,100. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the two are either encompassed within the claim of the instant application or are comprise a minor rewording of limitations. For example, claim 45 of the instant application recites the limitation of "wireless remote control devices" wherein the co-pending application references "optical

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remote control devices". In the context of the instant application, "wireless remote control devices" may comprise either UHF or IR (optical) based "remote devices.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 18 and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 and 31 of co-pending Application No. 09/488,275. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the two are encompassed within the scope of the claims of the instant application. In particular, the claim 18 of the instant application recites a "video processor for processing video signals" wherein the co-pending application recites that the "video processors" decode or "construct at least one series of video packets" to form "at least one television signal". The instant application defines steps for the "processing video signals" to comprise the "constructing" limitation cited in the co-pending application (IA: Page 16, Lines 8-11).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-8, 18-25, 31-32, and 34-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Eames et al. (WO 98/37648).

Claim 1 is rejected wherein Figures 2-3 of the Eames et al. reference illustrate a method of “receiving, decoding, and distributing video from a telecommunications network” [100/110] to a “plurality of televisions in at least two separate locations” [199] (Figure 5) via a “residential gateway” [200] (Page 9, Lines 6-16). The reference teaches that the “residential gateway” [200] is operable to “receive the video signal from the telecommunications network” (Page 8, Lines 1-20; Page 9, Lines 22-31) and to “receive at least one channel select command” [422] from a “remote control device” [500/700] (Page 10, Lines 13-18). Subsequent to the “select command” the “residential gateway” [200] is operable to “transport the video signal over a video bus” [429] wherein it is “processed” [430] (Page 10, Lines 3-9) and “transmitted” to the aforementioned “plurality of televisions” [199] (Page 12, Lines 6-8).

Claim 2 is rejected wherein the “optical remote control device” [700] may transmit commands from a “television located in close proximity” to the “optical receiver” [472] within the “residential gateway” [200] (Page 10, Lines 13-18).

Claim 3 is rejected wherein the device is further operable to receive “channel select commands” from “wireless remote control devices” [500/700] (both IR and UHF are wireless based) located “remotely from the residential gateway as illustrated in Figures 5 and 7 (Page 10, Lines 13-18; Page 12, Lines 6-9; Page 13, Lines 3-12).

Claim 4 is rejected in light of Figure 7 wherein the disclosure teaches that the “wireless remote control devices” [700] may further transmit “channel select commands” to “remote antennae packages” [710]. The aforementioned “remote antennae packages” [710] subsequently “transmit the wireless signals from the remote antennae packages to the residential gateway to the residential gateway over media” (Page 13, Lines 3-9).

In consideration of claim 5, the examiner broadly interprets the “residential gateway” [200] as illustrated in Figure 6 as being further operable to serve as a “media interface device” wherein the aforementioned “residential gateway” [200] serves as the “interface” for the distribution of signals between the in-home wiring [171] and the telecommunications network [100/110]. Accordingly, the “media interface” is operable to “receive” and “extract” the “channel select commands” using diplexers [640] and subsequently “transmit” the aforementioned commands to “a remote control processor” [472] (Page 12, Lines 28-35 – Page 13, Lines 1-2).

Claim 6 is rejected wherein the “media interface device” [200] interfaces with coaxial cable [171] (Page 9, Lines 18-21).

Claim 7 is rejected wherein the “media interface device” [200] may further comprise a “remote antenna module” [472/470].

Claim 8 is rejected as aforementioned wherein the “wireless remote control devices” may utilize UHF signals (Page 10, Lines 16-18).

Claim 18 is rejected wherein as aforementioned in the rejection of claim 1, the Eames et al. reference discloses a “residential gateway” [200] that is operable to distribute video signals to “plurality of televisions in at least two separate locations” [199] (Figure 5) (Page 9,

Lines 6-16). As illustrated in Figures 4 and 6, the “residential gateway” comprises a “receiver” [470/472], a “network interface module” [410], a “video processor” [430] and a “video bus” [429].

Claim 19 is rejected wherein the “residential gateway” [200] comprises an “optical receiver” [472] which receives commands from an “optical remote control device” [700] associated with a “television located in close proximity” to the “residential gateway” [200] (Page 10, Lines 13-18).

Claim 20 is rejected wherein the “residential gateway” [200] further comprises a “remote control module” [442] (Page 10, Lines 13-18).

Claim 21 is rejected wherein Figure 7 illustrates “remote antennae packages” [710] in close proximity to and coupled to television which “receives wireless signals” from the “wireless remote control devices” [700] and subsequently inherently “modulates the wireless signal” for transmission over “media” [171] to the “residential gateway” [200] (Page 13, Lines 3-9).

Claim 22 is rejected wherein the “residential gateway” [200] as illustrated in Figure 6 is further operable as a “media interface device” such that it is coupled to the “remote control antennae packages with the media” wherein it further “receives” and “extracts” the “channel select commands” using diplexers [640] (Page 12, Lines 28-35 – Page 13, Lines 1-2).

Claim 23 is rejected wherein the “media interface device” [200] interfaces with coaxial cable [171] (Page 9, Lines 18-21).

Claim 24 is rejected wherein the “media interface device” [200] may further comprise a “remote antenna module” [472/470] for “extracting channel select commands”.

Claim 25 is rejected as aforementioned wherein the “wireless remote control devices” may utilize UHF signals (Page 10, Lines 16-18).

Claim 31 is rejected wherein the aforementioned “media interface device” is “directly connected” to or embedded within the “residential gateway” [200].

Claim 32 is rejected wherein the “residential gateway” [200] as illustrated in Figure 5 is operable to “transmit the processed television signal” to at least one “television” [199] (Page 9, Lines 6-16).

Claim 34 is rejected wherein the “residential gateway” [200] as illustrated in Figure 4 may comprise a “combiner” [482].

Claim 35 is rejected wherein Figure 3 of the Eames et al. reference illustrates a “method of receiving and decoding signals” from a “telecommunications network” [100/110] and transmitting the signals from the “residential gateway” [200] to a “plurality of devices” [193/194/199]. As illustrated, the “residential gateway” [200] serves to connect each of the plurality of devices and the telecommunications network” (Page 8, Lines 16-20). Turning to Figures 4-7, the “residential gateway” [200] is operable to “receive” [460/470/472] a video signal from the telecommunications network [100/110] (Page 10, Lines 3-6) and “channel select commands” from a “remote control device” [500/700] (Page 10, Lines 13-18) such that the “processing” of [430] these commands results in the “transmission” of the video signal to the “television [199] (Page 12, Lines 6-8).

Claim 36 is rejected wherein the Eames et al. reference discloses that the “residential gateway” [200] further comprises an “S-video” connector [474] (Page 10, Lines 10-12).

Claim 37 is rejected wherein the aforementioned “residential gateway” [200] as illustrated in Figures 6-7 includes connecting televisions [199] remotely located from the “residential gateway [200] via “remote antennae packages” [710]. The “residential gateway” [200] further comprises a “media interface device” [640] connected to the “residential gateway” which interfaces with “media” [171] to retrieve the remote controller signals.

Claim 38 is rejected wherein the aforementioned “media interface device” is “directly connected” to or embedded within the “residential gateway” [200].

Claim 39 is rejected as aforementioned wherein the “optical remote control device” [700] may transmit commands from a “television located in close proximity” to the “optical receiver” [472] within the “residential gateway” [200] (Page 10, Lines 13-18).

Claim 40 is rejected wherein the embodiment further comprises “wireless remote control devices” [500/700] located “remotely from the residential gateway” as illustrated in Figures 5 and 7. The “wireless remote control devices” are operable to transmit “channel select commands” (Page 10, Lines 13-18; Page 12, Lines 6-9; Page 13, Lines 3-12).

Claim 41 is rejected in light of Figure 7 wherein the disclosure teaches that the “wireless remote control devices” [700] may further transmit “channel select commands” to “remote antennae packages” [710]. The aforementioned “remote antennae packages” [710] subsequently “transmit the wireless signals from the remote antennae packages to the residential gateway over media” (Page 13, Lines 3-9).

Claim 42 is rejected wherein as aforementioned the “wireless signals” from the “remote antenna packages” [710] are transmitted over the “media” [171] to the “media interface

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device" [640]. The "channel select commands" are subsequently "extracted and "transmitted" to the "remote control processor" [442].

Claim 43 is rejected wherein the aforementioned diplexers [640] further serve as a "remote antennae module" in so far as they are operable "for receiving the wireless signals and extracting the channel select commands there from" as aforementioned.

Claim 44 is rejected wherein the Eames et al. reference discloses that the "residential gateway" [200] further comprises an "S-video" connector [474] (Page 10, Lines 10-12).

Claim 45 is rejected wherein Figure 3 of the Eames et al. reference illustrates a "method of receiving and decoding signals" from a "telecommunications network" [100/110] using a "residential gateway" [200]. The "residential gateway" [200] is "connected to the telecommunications network" [460] and to a "plurality of devices" [193/194/199]. As illustrated in Figures 4-7, the "residential gateway" [200] is operable to "receive" [470/472] and "process" [430] "channel select commands" from "wireless remote control device" [500/700] which "transmit channel select commands as wireless signals" to "remote antennae packages" [710] (Page 10, Lines 13-18) (Page 12, Lines 6-8).

Claim 46 is rejected in view of the "residential gateway" [200] of the Eames et al. reference illustrated in Figures 6 and 7. The "residential gateway" [200] comprises a "network interface module" [410], a "video processor" [430], and a "remote control module" [422]. The reference teaches that the "remote control module" [422] receives "channel select commands" which are "extracted" from the "media" [712] by the diplexers [640]. These commands are modulated onto the media via "remote antenna packages" [710] (Page 13, Lines 3-12).

Claim 47 is rejected in light of the rejection of Claim 46 wherein the “residential gateway” [200] of the Eames et al. reference illustrated in Figures 6 and 7 comprises a “network interface module” [410], a “video processor” [430], a “remote antennae package” [710], and a “media interface device” [640] for extracting the “channel select command” and “transmitting” it to the “remote control module” [422] of the “residential gateway” [200].

12. Claims 1, 3-5, 7, 11-19, 21-22, 29-30, 32-33, 47-49, 50-53, and 55-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Swisher et al. (US Pat No. 6,418,149).

In consideration of claim 1, Figures 2A and 2C of the Swisher et al. reference illustrate a method of “receiving, decoding, and distributing video from a telecommunications network” [180] to a “plurality of televisions in at least two separate locations” [199] (Figure 2A) via a “residential gateway” [200] (Col 5, Lines 7-25). The reference teaches that it is operable to “receive at least one channel select command” from a “remote control device” [500/700] (Col 5, Lines 51-67 – Col 6, Lines 1-3) and to subsequently “transmit” the video signal (Col 2, Lines 48-55). As to the recited limitation wherein signal is “transported” over a video bus for “processing”, the Swisher et al. reference expressly incorporates the Eames et al. (US Pat No. 6,317,884) teachings pertaining to the “residential gateway” [200] (Col 5, Lines 26-33). The Eames et al. reference describes the “residential gateway” [200] as comprising a “video bus” [429] and a “processor” [430] (Col 5, Lines 54-64; Col 6, Lines 5-8).

Claims 3 and 4 are rejected wherein the Swisher et al. reference teaches that the “residential gateway” [200] is operable to receive “channel select commands” from “wireless remote control devices” [500/700] (both IR and UHF are wireless based) located “remotely from the residential gateway as illustrated in Figures 2B and 2C. The “wireless remote

control devices" [700] may further transmit "channel select commands" to "remote antennae packages" [710], which subsequently "transmits the wireless signals from the remote antennae packages to the residential gateway to the residential gateway over media" (Col 5, Lines 56-67 – Col 6, Lines 1-3).

In consideration of claims 5 and 7, the Swisher et al. reference teaches that the aforementioned "residential gateway" [200] may require additional components to utilize the in-house wiring illustrated in Figures 2A, 2B, and 2C. The claim language may be broadly interpreted such that the "media interface device" is a collection of components that are necessary to facilitate the point-to-point in-home coaxial wiring outlined in Swisher et al. Subsequently, the "media interface device" comprises a "remote antenna device" [640] that is operable to "receive" and "extract" the "channel select commands" wherein the aforementioned commands are "transmitted" to "a remote control processor" [472] (Eames et al.: Col 7, Lines 16-25).

Claim 11 is rejected wherein the method further comprises the use of a "diplexer" [620] to further extract "other signals" (Col 6, Lines 37-55)

Claim 12 is rejected wherein the method further comprises the use of a "balun" [622] for "adjusting the impedance" (Col 8, Lines 23-32).

Claim 13 is rejected wherein as illustrated in Figure 3 "at least one television signal" is "transmitted" and "processed" to "at least one television" [197/198/199].

Claim 14 is rejected wherein the embodiment further comprises a "splitter" [662] so as to "transmit" the television signal to "separate locations" (Col 7, Lines 41-49)

Claim 15 is rejected wherein the embodiment further comprises a “diplexer” [620] that is operable to “diplex other signals onto the media with the at least on television signal” (Col 7, Lines 61-64).

Claim 16 is rejected wherein the “processing” includes changing the “impedance of a subset of the other signals” through the use of a balun [622].

Claim 17 is rejected wherein the “television signals” are “combined” [650] prior to being “split” [652] for reception by the televisions [197/198] as illustrated in Figure 3.

Claim 18 is rejected wherein the “residential gateway” [200] utilized by Swisher et al. is illustrated in Eames et al. The “residential gateway” [200] illustrated in Figure 6 is operable to distribute video signals to “plurality of televisions in at least two separate locations” [199] (Figure 5). As illustrated in Figures 4 and 6, the “residential gateway” comprises a “receiver” [470/472], a “network interface module” [410], a “video processor” [430] and a “video bus” [429].

Claims 19 and 32-33 are rejected wherein the aforementioned “residential gateway” [200] comprises an “optical receiver” [472] (Eames et al.: Figure 6) and the “media interface device” includes a “splitter” [652].

Claims 21 and 22 are rejected wherein Figure 2C of the Swisher et al. reference illustrates “remote antennae packages” [710] in close proximity to and coupled to television which “receives wireless signals” from the “wireless remote control devices” [700] and subsequently inherently “modulate the wireless signal” for transmission over “media” [171] to the “residential gateway” [200] (Col 5, Lines 63-67 – Col 6, Lines 1-3). As aforementioned, the “residential gateway” [200] may further serve as a “media interface

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device” such that it is coupled to the “remote control antennae packages with the media” wherein it further “receives” and “extracts” the “channel select commands” using diplexers [640] (Eames et al.: Col 7, Lines 16-25).

Claim 29 is rejected wherein the method further comprises the use of a “diplexer” [620] to further extract “other signals” (Col 6, Lines 37-55)

Claim 30 is rejected wherein the method further comprises the use of a “balun” [622] for “adjusting the impedance” (Col 8, Lines 23-32).

Claim 47 wherein the “residential gateway” [200] of the Eames et al. reference illustrated in Figures 6 and 7 comprises a “network interface module” [410], a “video processor” [430], a “remote antennae package” [710], and a “media interface device” [640] for extracting the “channel select command” and “transmitting” it to the “remote control module” [422] of the “residential gateway” [200].

Claim 48 is rejected wherein the “media interface device” further comprises a “remote antennae module” [640], a “splitter” [652], a “balun” [622], and a “diplexer” [620].

Claim 49 is rejected wherein the “media interface device” further comprises a “combiner” [650] (Col 7, Lines 28-36), and a “splitter” [652] (Col 7, Lines 41-49)

In consideration of claims 50 and 56, the system comprising the “residential gateway” [200] and associated components illustrated in Figure 3 are interpreted as comprising a “media interface device” as it is operable to support the “directional direction of signals to multiple devices over a media”. The limitations of the claim are met as follows:

- a “first connector” [652] for receiving a “TV signal” in the direction of heading away from the “residential gateway” [200];

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- a “second connector” [622] for receiving an upstream network signal away from the “residential gateway” [200] and transmitting a “downstream network signal” towards the “residential gateway” [200];
- a “third connector” [610] for transmitting the “TV signal” and the “upstream network signal” away from the “residential gateway” [200] and receiving the “downstream network signal” and “wireless signal” in the direction of the “residential gateway”
- a “diplexer” [620] for extracting the “network signal from the media” in the direction towards the “residential gateway” [620]
- a “remote antenna module” or “fourth connector” (Eames et al.: [640]) for receiving the “wireless signal”, extracting the “channel select command”, and transmitting it towards the “residential gateway” [200].

Claim 51 is rejected wherein the “media interface device” comprises a “balun” [622].

Claim 52 is rejected wherein the embodiment includes a “splitter” [652] wherein the “splitter” comprises a “fifth connector” for “transmitting one of the two identical “first signals” in the “first direction” or towards TV3 [198] via the media [646].

Claim 53 is rejected wherein the aforementioned further comprises a “combiner” [650].

Claim 55 is rejected as aforementioned wherein the aforementioned “media interface device” is “directly connected” to or embedded within the “residential gateway” [200] and is further operable to distributes signals between the multiple devices and the telecommunications network as illustrated in Figures 1 and 2.

Claim 57 is rejected in view of Figure 4 of the aforementioned Swisher et al. reference. The claimed "media interface" is met wherein the Figure comprises "a first connector" [610], a "second connector" [474] (Eames et al: Figure 6), a "third connector" [650], a "diplexer" [620], a "balun" [622], and a "remote antennae module" [640] (Eames et al.: Figure 6).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
15. Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as the Eames et al. (WO 98/37648) publication at the time this invention was made. Accordingly, Eames et al. (WO 98/37648) is disqualified as prior art through 35 U.S.C. 102(e), (f) or (g) in any rejection under 35 U.S.C. 103(a) in this application. However, this applied art additionally qualifies as prior art under

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another subsection of 35 U.S.C. 102 and accordingly is not disqualified as prior art under 35 U.S.C. 103(a).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the inventor of this application, and is therefore, not the invention "by another", or by antedating the applied art under 37 CFR 1.131.

16. Claim 9-10 and 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Eames et al. (WO 98/37648).

In consideration of claims 9 and 26, the Eames et al. reference discloses the use of a "UHF signals" in conjunction with the wireless signal distribution (Page 12, Lines 6-8). The reference however, does not explicitly disclose the frequency utilized. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to utilize "433 Mhz" in conjunction with the distribution of "UHF signals". Accordingly, it would have been obvious to one of ordinary skill in the art to "transmit" the UHF signals at "433 MHz" for the purposes of using a standard transmission frequency that is commonly utilized in the transmission of signals from "wireless remote controls".

Claim 27 is rejected wherein the aforementioned "remote antennae packages" [710] in receive wireless signals from the "wireless remote control devices" [700] and subsequently "modulate the wireless signals" over "media" [712] to the "residential gateway" [200] (Page 13, Lines 3-9). The "wireless remote control device" [700] illustrated in conjunction with the "remote antennae packages" [710] disclosed to be "IR" based which is not known to operate in the "433 MHz". The reference discloses that the embodiment is further operable with a

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“UHF remote control” [500] such that it may receive commands from hand-held wireless remotes used anywhere in the residence (Page 10, Lines 12-18). The reference further teaches that the “residential gateway” [200] may be located anywhere in the house (Page 9, Lines 6-16). However, it is well known in the art and further described in the instant application (IA: Page 21, Lines 20-23) that FCC regulations limit the transmission power of “wireless remote control devices”. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention in order to utilize similar “remote antennae packages” [710] to those taught by Eames et al. in conjunction with the “UHF remote control” [500] for the purpose of enabling a user to effectively transmit “commands” to the “residential gateway” [200] should the distance between the two devices be beyond the limited transmission range of the controller.

In consideration of claims 10 and 28, the reference discloses that the diplexers [640] are operable to “extract” the aforementioned “channel select commands” and provide them to the remote control block [442] for processing (Page 10, Lines 13-18; Page 12, Lines 31-35 – Page 13, Lines 1-2). The reference, however, does not specify the “frequency” wherein channel commands are extracted. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to extract channel select commands as a “1 kHz signal”. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to extract the channel select command as a “1 KHz signal” for the purpose of utilizing a simple signaling protocol between the “remote antenna package” [710] and the residential gateway [200].

Allowable Subject Matter

17. Claims 54 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as the Swisher et al. (US Pat No. 6,418,149) patent at the time this invention was made. Accordingly, the Swisher et al. reference is disqualified as prior art through 35 U.S.C. 102(e), (f) or (g) in any rejection under 35 U.S.C. 103(a) in this application. The applied art does not qualify as prior art under another subsection of 35 U.S.C. 102 and accordingly is disqualified as prior art under 35 U.S.C. 103(a) and as such cannot be modified so as to incorporate an "X by Y splitter with additional connectors" as is known in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Baran et al. (US Pat No. 6,049,693) reference discloses a plurality of frequency-domain filters or ingress noise blockers that are connected to coaxial cable at feeder tap locations.

- The Flickinger et al. (US at No. 5,901,340) reference discloses a wideband signal distribution system for distributing among a plurality of outlets wideband signals modulated onto RF carrier signals.
- The Eames et al. (US Pat No. 6,493,875) reference discloses a wireless residential gateway that transmits data received from the network to devices in the residence using wireless transmission techniques.
- The Dinwiddie et al. (US Pat No. 6,481,013) reference discloses an apparatus for distributing radio frequency modulated broadcast signals from a broadcast signal source to networked appliances throughout the household coaxial cables.
- The Ehreth (US Pat No. 6,286,142) reference discloses a video communication system wherein a gateway interfaces with a broadband/narrowband network to distribute video signals to a plurality of remote sites. Each remote site includes a wireless control device wherein channel selection commands from said device are modulated and transmitted to the gateway.
- The Williams, Jr. (US Pat No. 6,202,211) reference discloses a method and apparatus for enabling multiple users to concurrently access a PC-based server in a home local area network.
- The Goodman (US Pat No. 6,192,399) reference discloses a communication system for passing information between information services and terminal devices over a twisted wire pair network.
- The Thompson (US Pat No. 6,108,331) reference discloses an access port for use in a single medium wiring scheme.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.

The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SEB
January 27, 2003



JOHN MILLER
SUPERVISORY PATENT EXAMINER
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